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(973)645-2736
LAB0321

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

UNITED STATES OF AMERICA,

Plaintiff,

v.

ARTHUR F. JAKUBCZAK ,

Defendant,

and

**JOHN F. KENNEDY MEDICAL CENTER
An Affiliate of SOLARIS Health System,
and its successors or assigns,**

Garnishee.

HON. DICKINSON R. DEBEVOISE

CIVIL ACTION NO. 00-MISC-346

**APPLICATION AND ORDER FOR
WRIT OF CONTINUING
GARNISHMENT**

The United States of America, plaintiff, makes this application in accordance with 28 U.S.C. § 3205(b)(1) to the Clerk of the United States District Court to issue a Writ of Continuing Garnishment upon the judgment entered against the Defendant Arthur F. Jakubczak , social security number *****0158, whose last known address is: Perth Amboy, NJ 08861 in the above cited action in the amount of \$98,130.59, plus costs and post-judgment interest at the rate of 3.59% per annum and compounded annually. A statutory surcharge of \$9,554.46 is also due the United States in accordance with 28 U.S.C. §3011.

The total balance due and owing as of September 10, 2008 is \$95,544.65 exclusive of surcharge.

Demand for payment of the above-stated debt was made upon the debtor not less than 30 days from September 10, 2008, and debtor has failed to satisfy the debt.

The Garnishee is believed to owe or will owe money or wages to the judgment debtor. More specifically, the Garnishee is the employer of the defendant, Arthur F. Jakubczak , and its successors or assigns. This Writ of Continuing Garnishment is intended to compel the Garnishee to pay to the United States twenty-five percent (25%) of the disposable earnings of defendant, Arthur F. Jakubczak , pursuant to 28 U.S.C. § 3002(9).

The name and address of the Garnishee or his authorized agent is:

John F. Kennedy Medical Center/
Solaris Health System
65 James Street
Edison, NJ 08818

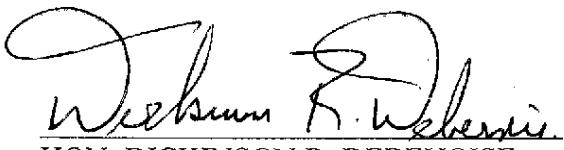
Based upon the foregoing, the United States respectfully requests the Court to enter an Order directing the Clerk of the United States District Court to issue a Writ of Continuing Garnishment.

CHRISTOPHER J. CHRISTIE
UNITED STATES ATTORNEY

By: 
LEAH A. BYNON
ASSISTANT U.S. ATTORNEY

IT IS, on this 24th day of Sept., 2008,

ORDERED, that the Clerk of the Court shall issue the Writ of Continuing Garnishment.


HON. DICKINSON R. DEBEVOISE
UNITED STATES DISTRICT COURT

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GREETINGS TO: John F. Kennedy Medical Center/
Solaris Health System
65 James Street
Edison, NJ 08818

An application for a Writ of Continuing Garnishment against the property of Arthur F. Jakubczak , defendant, has been filed with this Court. A judgment has been entered against the above-named defendant in the amount of \$98,130.59, plus costs and interest, computed through September 10, 2008.

You are required to begin withholding in accordance with this garnishment from the date you were served with these papers.

You are required by law to answer in writing, under oath, within ten (10) days, whether

HON. DICKINSON R. DEBEVOISE

CIVIL ACTION NO. 00-MISC-346

**WRIT OF CONTINUING
GARNISHMENT**

or not you have in your custody, control or possession, any property owned by the debtor, including non-exempt, disposable earnings.

Please state whether or not you anticipate paying the debtor any future payments and whether such payments are weekly, bi-weekly or monthly.

You must file the original written answer to this writ within ten (10) days of your receipt of this writ with the United States District Clerk at: Federal Courthouse, . Additionally, you are required by law to serve a copy of this writ upon the debtor and upon the United States Attorney, 970 Broad Street, 7th Floor, Newark, NJ 07102.

Under the law, there is property which is exempt from this Writ of Continuing Garnishment. Property which is exempt and which is not subject to this order is listed on the attached Claim for Exemption form which is attached to the Clerk's Notice of Garnishment.

Pursuant to 15 U.S.C. §1674, Garnishee is prohibited from discharging the defendant from employment by reason of the fact that his earnings have been subject to garnishment for any one indebtedness.

If you fail to answer this writ or withhold property in accordance with this writ, the United States of America may petition the Court for an order requiring you to appear before the Court. If you fail to appear or do appear and fail to show good cause why you failed to comply with this writ, the Court may enter a judgment against you for the value of the debtor's non-exempt property. It is unlawful to pay or deliver to the defendant any item attached by this writ.

DATED: 9/30/08

WILLIAM T. WALSH
UNITED STATES DISTRICT COURT CLERK

By:

Jess J. Nelson
DEPUTY CLERK

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CLERK'S NOTICE OF GARNISHMENT

You are hereby notified that the non-exempt earnings are being taken by the United States of America which has a Court judgment in Civil Action No. 00-MISC-346 in the sum of \$98,130.59. A balance of \$95,544.65 remains outstanding exclusive of the surcharge.

In addition, you are hereby notified that there are exemptions under the law which may protect some of the property from being taken by the Government if Arthur F. Jakubczak can show that the exemptions apply. Attached is a summary of the major exemptions which apply in most situations in the State of New Jersey.

If you are Arthur F. Jakubczak you have a right to ask the court to return your property to you if you think you do not owe the money to the Government that it says you do, or if you think the property the Government is taking qualifies under one of the above exemptions.

If you want a hearing, you must notify the court within 20 days after receipt of the notice. Your request must be in writing.

If you wish, you may use this notice to request the hearing by completing the attached Request for Hearing Form. You must either mail it or deliver it in person to the Clerk of the United States District Court at the Federal Courthouse, . You must also send a copy of your

request to the United States Attorney at 970 Broad Street, 7th Floor, Newark, NJ 07102, so the Government will know you want a hearing.

The hearing will take place within 5 days after the Clerk receives your request, if you ask for it to take place that quickly, or as soon after that as possible.

At the hearing you may explain to the judge why you think you do not owe the money to the Government. If you do not request a hearing within 20 days of receiving this notice, your property may be sold at public auction and the proceeds of the sale paid on the debt you owe the Government.

If you think you live outside the Federal judicial district in which the court is located, you may request, not later than 20 days after you receive this notice, that this proceeding to take your property be transferred by the court to the Federal judicial district in which you reside. You must make your request in writing, and either mail it or deliver it in person to the Clerk of the District Court at the Federal Courthouse. You must also send a copy of your request to the United States Attorney at 970 Broad Street, 7th Floor, Newark, NJ 07102, so the Government will know you want the proceeding to be transferred.

Be sure to keep a copy of this notice for your own records. If you have any questions about your rights or about this procedure, you should contact a lawyer, an office of public legal assistance, or the clerk of the court. The clerk is not permitted to give legal advice, but can refer you to other sources of information.

WILLIAM T. WALSH
CLERK, U.S. DISTRICT COURT

By:

Jess F. Nelson
Deputy Clerk